



Alina Habba, Esq.
Managing Partner
ahabba@habbalaw.com
Admitted to practice in NJ, NY & CT

February 3, 2022

VIA ECF

Honorable Brenda K. Sannes
U.S. District Court, Northern District of New York
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse, NY 13261

Re: *Trump, et al. v. James*
Case No.: 1:21-cv-01352-BKS-CFH

Dear Judge Sannes:

Please be advised that our office represents the plaintiffs, Donald J. Trump and Trump Organization, LLC (collectively “Plaintiffs”), in the above-referenced matter against the defendant, Letitia James, in her official capacity as Attorney General for the State of New York (“Defendant”). I am writing in regard to the two motions that are currently pending before the Court: (i) Plaintiffs’ motion for preliminary injunction filed on January 10, 2022 (the “Injunction Motion”), and (ii) Defendant’s motion to dismiss filed on January 26, 2022 (the “MTD”).

First, with regard to the MTD, Plaintiffs’ opposition papers are due to be filed on or before February 16, 2022. In connection with this filing, Plaintiffs respectfully request a 5-page extension for their memorandum of law, from 25 pages to 30 pages, under the Local Rules of Practice for the Northern District of New York. *See* Local R. 7.1(b)(1). The additional pages are warranted and necessary to provide a proper response to Defendant’s memorandum of law in support of the MTD which, with the Court’s permission, was extended to 30 pages in length. I have conferred with Defendant’s counsel, and they have consented to this application.

Second, with regard to the Injunction Motion, Plaintiffs respectfully request permission to file a 10-page reply brief pursuant to Local R. 7.1(a)(2). A reply brief is warranted since Defendant raises nearly identical arguments in her opposition to the Injunction Motion as it does in support of her MTD, effectively treating it as a ‘dispositive motion,’ *see* Local R. 7.1(a)(1), rather than a non-dispositive motion, *see* Local R. 7.1(a)(2). In fact, Defendant plainly states that the majority of arguments set forth in her opposition are based on arguments which are “set forth in detail in [Defendant’s] Memorandum of Law in Support of Defendant’s Motion to Dismiss.” These arguments are only briefly outlined in Defendant’s opposition and, instead, Defendant refers to her MTD papers which it states are “incorporated by reference in the interest of brevity.” *See* Def. MTD Br. at 12 (Dkt. No. 17).

Given, the nearly identical nature of the arguments set forth in the MTD and Defendant’s opposition the Injunction Motion and Defendant’s attempt to “incorporate [] by reference” the entirety of her MTD brief, Plaintiffs respectfully request that the deadline to file their reply brief be set to the same date as the deadline for filing the opposition to Defendant’s MTD – February

16, 2020. Such an extension is in the interest of fairness and judicial economy since, to adequately respond to Defendant's Opposition to the Injunction Motion—a 22-page brief which “incorporate[s] by reference” another 30-page brief”—Plaintiffs will similarly need to refer to and rely upon their opposition to the MTD.

Based on the foregoing, Plaintiffs respectfully ask this Court for: (i) a 5-page extension for the memorandum of law in opposition to Defendant's MTD; (ii) permission to file a reply brief in response to Defendant's opposition to the Injunction Motion; and (iii) that Plaintiffs' reply brief be due on February 16, 2022.

Thank you for your courtesy and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alina Habba', with a stylized flourish extending to the right.

Alina Habba, Esq.

For HABBA MADAIO & ASSOCIATES LLP

cc: NYS Office of the Attorney General